

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re

LAKESIDE 19, LLC,

Debtor.

Chapter 11

Case No. 11-21735

**ORDER GRANTING DEBTOR'S MOTION FOR AUTHORITY TO
SELL ASSETS AND APPROVE AUCTION AND SALE PROCEDURES**

Upon the motion (the "Motion") of the above-captioned debtor and debtor in possession (the "Debtor") for entry of an order (i) granting the Debtor authority to sell certain assets free and clear of all liens, claims and encumbrances pursuant to the auction and sale procedures described herein (the "Auction Procedures"), (ii) approving the Auction Procedures, and (iii) granting related relief; and after sufficient notice and opportunity for a hearing under the circumstances; and upon the record at any such hearing and the record of this case; and after due deliberation; and good and sufficient cause appearing therefor; and the Court finding that the sale of the Lots pursuant to the Auction Procedures is in good faith pursuant to Bankruptcy Code § 363(m);

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The following Auction Procedures are APPROVED:
 - (a) Auction. The Auction will be an online auction commencing on or about March 18, 2014, and continuing through approximately noon on March 21, 2014. Tranzon Auction Properties will serve as auctioneer (the "Auctioneer") and will conduct the Auction.
 - (b) Extended Bidding. Notwithstanding the scheduled closing time of the Auction, in the event that a bid is made at any time during the final thirty (30) minutes of the scheduled bidding time, the bidding time will automatically be extended for an additional thirty (30) minutes. Subsequent and additional extensions shall be applied to any and all bids placed during any such extension period until an extension period has expired without additional bids being placed, at which time the bidding time, as extended, shall be closed.

- (c) Marketing and Marketing Expense. The Lots will be marketed by the Auctioneer through a combination of local, regional and national online, print, email, mailing and industry methods. The Debtor will fund \$8,738.00 of the marketing expenses.
- (d) Deposits and Qualification of Bidders. To be qualified as a bidder (a "Qualified Bidder"), a bidder must submit a \$10,000 deposit per Lot (the "Initial Deposit"). The Initial Deposit shall be nonrefundable in the event the Qualified Bidder is the Successful Bidder. In the event the Qualified Bidder is not the Successful Bidder, the deposit shall be refunded.
- (e) Offering of Lots. Lots will offered individually with staggered ending times to allow bidders to buy one, all or any combination.
- (f) Bid Increments. Each incremental bid shall be at least \$10,000 greater than the existing highest bid.
- (g) Buyer Premium and Purchase Price. The purchase price for each Lot shall include a 10% Buyer Premium to be assessed in addition to the high bid and collected from buyer as payment to Auctioneer. The amount of the high bid plus the Buyer Premium is the "Purchase Price" due at Closing. The Auctioneer shall pay any and all buyer broker or seller engaged brokers from said 10% Buyer Premium.
- (h) Successful Bidder. The successful bidder on each Lot shall be the bidder with the highest Purchase Price bid at the close of the Auction (the "Successful Bidder").
- (i) Successful Bidder Deposit. Each Successful Bidder shall be required to provide a deposit in cash or certified funds equal to 10% of the Purchase Price within 24 hours of the conclusion of the Auction.
- (j) Credit Bidding. BOM shall have the option to credit bid its claim at any time during the Auction.
- (k) Closing. Closing shall occur within 30 days of the conclusion of the Auction, which may be extended to 45 days with the consent of the Debtor and BOM.

3. The Debtor, in consultation with Tranzon and BOM, is authorized to make nonmaterial changes to the Auction Procedures to accommodate bidding that maximizes the value of the estate.

4. BOM will automatically be deemed a Qualified Bidder and will be entitled to

credit bid its secured claim at any time during the Auction.

5. Proceeds of the Auction will first be distributed to BOM to satisfy its secured claim. The remaining proceeds will be distributed pursuant to the Second Amended Plan, if confirmed, or further order of the Court.

6. Sale of the Lots is authorized pursuant to the Auction and the Auction Procedures, and the Debtor, BOM, and the parties are authorized and directed to take all reasonable and necessary actions to effectuate transfer of the Lots.

7. The Lots shall be transferred to the purchasers free and clear of all liens, claims and encumbrances.

8. This Order shall be effective immediately.

9. The Court shall retain jurisdiction to interpret, implement and enforce this Order.

Dated: _____, 2014

The Honorable Peter G. Cary
United States Bankruptcy Judge